



3738

ATTORNEY DOCKET D00188/70125 JH
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cherok, et al
Serial No: 09/661,623
Filed: September 14, 2000
For: IMPLANTABLE PROSTHESIS
Examiner: W. Matthews
Art Unit: 3738

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on February 6, 2002.

Colleen Snyder
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COMMISSIONER FOR PATENTS
WASHINGTON, D. C. 20231

Dear Sirs:

Transmitted herewith for filing is the following document:

1. Response to Election/Restriction Requirement;
2. Information Disclosure Statement;
3. Form PTO-1449 and References; and
4. Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)720-3500, Boston, Massachusetts.

No fee is believed to be due at this time. If it is determined that a fee is due, it may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

Cherok et al., Applicant(s)

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Docket No.: D00188/70125 (JH)
Date: February 6, 2002
X02/08/02



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Commissioner for Patents
Washington, D.C. 20231

03/15/2002 TIRKIN 00000005 **RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**
01 FC:116 Sir: 400.00 CH

Applicants hereby elect the claims of Group I, which corresponds to claims 1-21 and 29-59, drawn to implantable prosthesis, classified in class 623, subclass 14.13, and further elect species A shown in Figs. 1-3, which corresponds to claims 1-7, 14-21 and 29-59 of Group I.

REMARKS

In response to the Restriction Requirement mailed on November 8, 2001, Applicants respectfully request reconsideration. The Examiner has set forth a restriction requirement including claims 1-21 and 29-59 in Group I and claims 22-28 in Group II, and an election of species requirement within Group I. More particularly, the Examiner has set forth a requirement for an election of species from one of species A (Figs. 1-3); species B (Figs. 4-7); species C (Fig. 8); species D (Fig. 9); and species E (Fig. 10). By the foregoing, Applicants have elected to restrict examination to claims 1-7, 14-21 and 29-59 in Group I, Species A.

Applicants respectfully request reconsideration of the restriction requirement. The restriction is based on distinct inventions between the product and the process of using the product. In particular, the Examiner has indicated that the claimed product can be used in a materially different process of use, such as the repair of a blood vessel wall. Applicants note,

#6

Election
S. Snyder

2/11/02